

**DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN**

UNITED STATES,)	
)	
Plaintiff,)	
)	
v.)	Case No. 3:99-cr-0006
)	
DEVIN HODGE,)	
)	
Defendant.)	
)	

ORDER

BEFORE THE COURT is Defendant Devin Hodge's ("Hodge") *pro se Motion for Extension of Time to File Response to Government's Opposition at ECF No. 361*, filed on March 8, 2021. (ECF No. 368.) Also before the Court is Hodge's *Unopposed Motion to File Supplemental Brief*, filed by and through counsel on March 12, 2021. (ECF No. 371.)

On November 10, 2020, Hodge filed a *pro se* motion for compassionate release. (ECF No. 352.) Due to the fact that the top lines of text on several pages of the motion were cut off, the Court issued an order on November 25, 2020, directing Hodge to "re-file a full and complete Motion with complete printed pages." (ECF No. 354.) On even date, the United States ("the Government") filed an opposition to Hodge's motion. (ECF No. 353.)

In response to the Court's order, Attorney DiRuzzo¹ filed a complete motion on December 7, 2020, accompanied by a cover letter stating the following:

Today, I received the attached *pro se* motion. I assume that it was provided to me in response to the Court's Nov. 25th order (Doc. # 354) so that I could file it on ECF. I write this letter to obviate any argument that I have voluntarily accepted to represent Mr. Hodge regarding any motion for compassionate release – because I have not. Nor does my CJA appointment contemplate representing Mr. Hodge regarding compassionate release. . . .

(*Cover Letter*, ECF No. 355.) Three days later, on December 10, 2020, the Court received the same motion from Hodge via postal mail. (ECF No. 357.) On December 15, 2020, Hodge again filed the same motion, attaching the following: 1) a letter of support from Hodge's girlfriend; 2) Warden's letter denying Hodge's request for compassionate release, a second request for

¹ Attorney DiRuzzo previously represented Devin Hodge in this case as CJA appointed counsel.

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compassionate release, based on medical circumstances,² medical records from the Bureau of Prisons (“the BOP”); 3) a general letter from U.S. Senators in support of home incarceration for some BOP inmates who may be especially vulnerable to COVID-19; and 4) a copy of two Memoranda for the Director of the BOP from the U.S. Attorney General, dated March 26, 2020, and April 3, 2020, regarding the use of Home Confinement for vulnerable persons incarcerated at BOP facilities.(ECF No. 358.)

On December 21, 2020, this Court appointed Joseph A. DiRuzzo, III as counsel, to represent Devin Hodge with respect to his motions for compassionate release, pursuant to 18 U.S.C. § 3582(c)(1)(A). On December 28, 2020, the Government filed an opposition to Hodge’s motions for compassionate release. (ECF No. 361.)

Although counsel had been appointed to represent Hodge, on March 8, 2021, Defendant Hodge again filed a *pro se Motion for Extension of Time to File Response to Government’s Opposition at ECF No. 361*, docketed at ECF No. 368, reporting that under COVID-related “precautionary measures,” he is “confined to a cell 24 hours a day” and only occasionally permitted phone calls. *Id.* at 3. Hodge further asserts that the telephone calls “are restricted to 15 minutes max, and cannot be repeated without waiting an additional 15 minutes.” *Id.* As such, he states “it is hardly sufficient to accomplish any ‘attorney-client’ [consultation].” Hodge therefore requests an extension of time to “properly file an effective response to Government’s Opposition (ECF No. 361).” *Id.*

On March 12, 2021, on behalf of his client, Attorney DiRuzzo filed an Affidavit from a medical doctor, concerning immunosuppression in persons who have had a splenectomy. (See ECF No. 370.) He additionally filed an *Unopposed Motion to File Supplemental Brief* in support of Hodge’s motion for compassionate release, requesting leave to address the Court with regard to the medical information in the affidavit. (ECF No. 371.)

These premises considered,

IT IS ORDERED that Hodge’s *Motion for Extension of Time to File Response to Government’s Opposition at ECF No. 361*, docketed at ECF No. 368, is **GRANTED**; it is further

² Hodge’s *Inmate Request for Compassionate Release Consideration* was filed with the Medical Social Worker on June 21, 2020, based on his “Debilitated Immune System due to Spleen removal.” (ECF No. 358-2 at 4.)

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ORDERED that Hodge's *Unopposed Motion to File Supplemental Brief*, docketed at ECF No. 371, is **GRANTED**; it is further

ORDERED that Counsel for Hodge **SHALL** file a supplemental brief in support of Hodge's motions for compassionate relief, responding to the Government's Opposition, ECF No. 361, and addressing the contents of the Affidavit submitted at ECF No. 370, NO LATER THAN March 28, 2021; and it is further

ORDERED that there **SHALL** be no further *pro se* filings by Defendant Hodge, who is represented by Counsel.

Dated: March 19, 2021

/s/Robert A. Molloy
ROBERT A. MOLLOY
District Judge